

## New Hampshire Board of Pharmacy Minutes

June 20, 2018

Held at Massachusetts College of Pharmacy, Manchester, NH

- President Merchant Called Meeting to Order at 8:58am
- Roll Call
  - In attendance: John Genovese, Lindsey Laliberte, Helen Pervanas, Gary Merchant, Charles Fanara, Candice Bouchard, David Rochefort
  - Board Staff: Mike Bullek, Michelle Ricco-Jonas, Bob Elder, Jay Queenan, Elsa Croteau
- Consent Agenda
  - -no items removed
    - Motion to approve: Genovese
    - Second: Fanaras
    - Vote: 6-0-1 Approve Merchant abstained
- Public Agenda Items added:
  - #14-BOP opinion on controlled drug losses
  - #16-1700 CQI Rules Draft
  - #17-Table item #5 and move to non-public
- Non-Public Agenda Items added:
  - Item H
- PDMP Update by Michelle Ricco Jonas
  - Gave update on proposed PDMP definitions, criteria, and thresholds including
    - MME/Opioids
    - Benzodiazepines & Opioids
    - Multiple prescribers or pharmacies

She stated the advisory council continues to work on criteria for High Current Daily Dose of Opioids (MME) and Concurrent Benzodiazepine and Opioid Prescriptions. Council has not finalized these recommendations to the board but has preliminary criteria.

Preliminary Criteria for:

**High Daily Dose (MME):** 50MME = Caution

100MME = Consultation with specialist

Over a 90-day period

Calculations will not include prescriptions for  
Medication Assisted Therapy(MAT)

She reported the cost of these reporting criteria is currently unknown

**Concurrent Benzodiazepine & Opioid Prescription:** 50MME or more of opioids and one day of benzodiazepine over a 90 day period. This would trigger an education notice. Would not include MAT

She reported the cost of these reporting criteria is currently unknown

She was questioned why these criteria couldn't be adopted by the board now and changed later if needed. She recommended against this as the costs are unknown and advisory board hasn't finalized the criteria.

She provided data using the proposed criteria that covered the time period from Jan-Mar 2018. The board asked she provide the same data using the proposed criteria for the year 2017. The board wanted to see if there was a trend. After some discussion Michelle agreed to provide this data.

Michelle reported that the criteria for Multiple Prescribers or Pharmacies was final. The criteria recommended by the council is 3 prescribers or 3 pharmacies over a 90 day period. This would provide an alert. She noted that this is the only alert that is part of our current system.

- Motion to accept Multiple Prescribers or Pharmacies Criteria: Fanaras
  - Second: Bouchard
  - Vote 7-0 Approved
- Petition to Remove Practice Restrictions-Andrew Gyorda
  - Mr. Gyorda requested that current practice restrictions limiting his ability to work as a PIC and working hours be lifted as well as a fine be removed from previous discipline
  - Presented a letter to board commissioners from his current supervisor attesting to his abilities
  - Board will take under advisement and notify Mr. Gyorda of its decision within 24 hours
- Gerard Gagne Hearing- Expired CPR Certificate
  - Commenced at 10:05am
  - Mr. Gagne received notice of hearing and is not presented by an attorney
  - Hearing guidelines read to Mr. Gagne by President Merchant
  - Admin Bullek called to present case-presented charges and fact-no witnesses called
  - Mr. Gagne was called to present case and was sworn in-presented case-no witnesses called
    - Mr. Gagne demonstrated that there is clearly confusing between American Heart Association recommendations for CPR renewal and board rules
    - He noted that he only came to the hearing to point out the discrepancy and was willing to pay the fine
    - Requested that the board provide clarity on the issue
  - Hearing closed at 10:15am

- Ethics Discussion by Admin Bullek
  - Discussion centered around issues with pharmacists refusing to fill patient prescriptions and the letter that was sent recently about the issue
  
- Collaborative Practice Agreement-Suzanne Stevens
  - Oncology practice at Wentworth Douglas to provide anti-emetic treatments
  - Application was in order and signed by all parties
    - Motion to approve collaborative practice agreement: Pervanas
    - Second: Laliberte
    - Discussion: none
    - 7-0 Approve
  
- Collaborative Practice Agreement-Justin Knowles
  - Anti-coagulation clinic-Lakes Regional Hospital
  - President Merchant stated that Ph 1102.03 requires the agreement be signed by all providers participating in the agreement
    - Motion to approve contingent on the signatures by all participating providers: Fanaras
    - Second: Bouchard
    - Discussion: None
    - 7-0 Approve
  
- Collaborative Practice Agreement-Lauren Sargent
  - Metabolic Syndrome Management-DHMC, Manchester
  - President Merchant again stated that the application was incomplete as Ph1102.03 requires signatures of all participating providers
  - Ms. Sargent contended that was difficult and that there are many providers in the facility. She also added that a previous board-approved collaborative practice agreement didn't have the signatures either-Pres. Merchant said that should have had them and recommended she get the signatures at this point
  - Another DHMC representative said the state of Ohio, which has an identical collaborative practice rule, doesn't require them and the privileges are conveyed to all who are authorized by the facility. President Merchant pointed out that the requirement is clear in NH rule and statute
    - Motion to approve contingent on the signatures by all participating providers: Pervanas
    - Second: Fanaras
    - 6-0-1 Approve Genovese recused
  
- Proposed Rules
  - Ph 2100, 2200, 2300
  - Rules in response to audit
  - Admin Bullek asked for a working document for the July meeting

- Statute Change
  - Admin Bullek presented proposed legislation what would change pharmacist and pharmacy licensing from annually to biennially.
    - Motion to approve presented legislation with the change of replacing biannual(ly) in the proposal to biennial(ly): Rochefort
    - Second: Genovese
    - Discussion: none
    - 7-0 Approve
- Approved Legislation Discussion
  - Admin Bullek discussed approved legislation in particularity HB 1791 and the need for a declaratory statement and SB 376. It is undetermined at this point if the board has a role in SB 376 but is in Chapter 318.
- Virtual Manufacturer License
  - Board staff asked for a declaratory ruling on how to license virtual manufacturers
  - Board will approach legal counsel to assist in declaratory ruling
- Board Opinion on Controlled Drug Losses
  - Admin Bullek asked the board of guidance on large losses of controlled substances
  - Board commissioned a stakeholder group for guidance. Board representatives will be Commissioners Laliberte and Fanaras
- Littleton Regional Hospital
  - Greg Cook was present to request an extension on LRH temporary permit.
  - A 60-day permit was issued-as the expiration date approaches PBMs won't contract with them due to the expiration date.
  - Discussion centered around extending the date or issuing the final permit contingent on a 6/22 inspection.
  - New rules should eliminate this issue in the future
    - Motion to allow inspectors to go to LRH Friday for final inspection: Merchant
    - Second: Genovese
    - Discussion: Comm. Fanaras was concerned this will set a precedent
    - 5-2 Approved (Laliberte, Fanaras voted against)
- Review 1700 Rules
  - Time line expired on previously approved rules and therefore the process needs to begin again
  - Rules were re-drafted by Pres. Merchant but contain he stated that the draft contains all of the information and material developed by previous stakeholder group
  - Comm Fanaras requested a copy of the previous version-Admin Bullek will circulate as a pdf.
    - Motion of approve draft of 1700 rules: Bouchard
    - Second: Genovese
    - Discussion: none
    - 7-0 Approved

- Board recessed for lunch
- Board returned from lunch at 12:46
- Roll Call
  - Present: John Genovese, Lindsey Laliberte, Helen Pervanas, Gary Merchant, David Rochefort, Candice Bouchard, Charles Fanaras
    - Motion to Enter Non-public session due to RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant:* Rochefort
    - Second: